

### **Conversation with Stan & Mathy**

**This meeting is off the record and is not for the purpose of complying with the Fields memo.**

**ADEM does not want to be on opposite sides with EPA.**

**What is EPA's vision for North Birmingham?**

**Yards replaced only?**

**Farmer's Market / grocery stores?**

**Paved roads?**

**Parks & Green spaces?**

**How does CERCLA get you to your vision?**

**Is the end game for EPA's involvement removal?**

**Is more funding for removal made available by proposed and/or listing?**

**Where would this action rank in priority for available Superfund funding i.e. how long would it be before actual funding would be available?**

**Would Brownfields approach provide more funding than CERCLA approach?**

**Has proposed listing eliminated Brownfields approach or has ADEM missed something?**

**Can de-proposing listing restore Brownfields approach and enhance revitalization efforts?**

**If the Brownfields door has been closed then see comments on possible path forward.**

2:17-cr-00419-AKK-TMP

6/25/18 Jury Trial

GOVT EXHIBIT NO. 175

ADEM-048571

## **NORTH BIRMINGHAM PROPOSED NPL LISTING**

### **Current Situation:**

1. ADEM is non-concurring in proposed NPL listing because:
  - a. No source of funding from either RPs or State 10% cost share
  - b. No significant threat to public health
2. Alabama Attorney General opposes proposed NPL listing because:
  - a. No source of funding from State 10% cost share
  - b. Improper application of air deposition theory
  - c. Improper listing process
3. Local legislative representative Oliver Robinson is publicly against the proposed NPL listing.
4. Mayor Bell is not publicly committed to either support or oppose the proposed NPL listing.
5. PRPs challenging the proposed NPL listing:
  - a. HRS assumptions and methodology are being challenged
  - b. Questions on whether responsibility can be determined (unknown source of fill material, composition of contaminants, lack of pattern for contamination, etc.)
  - c. Likelihood of protracted litigation
6. Local residents are split on supporting or opposing the proposed NPL listing.
7. Comments are currently being considered by EPA.

### **A Possible Path Forward:**

1. How important is it to get the North Birmingham community revitalized?
2. How important is it to begin the North Birmingham revitalization within the next two years?
3. Is the timely revitalization important enough to commit to only pursuing a fund-lead action?
4. If there is a commitment to a fund-lead only:
  - a. What is estimated total estimated cost for the fund-lead portion?
    - i. Replace xx yards
    - ii. Build green spaces, parks, etc.
    - iii. Farmers markets / grocery stores to reduce home-grown vegetable consumption
    - iv. Rework / repave streets to seal off contaminants
    - v. Other activities that might be fundable with Superfund
  - b. What ongoing maintenance costs would require funding?
  - c. There may be a source of the 10% cost share and maintenance funding:
    - i. Mayor of Birmingham may be willing to include funds in Birmingham's budget spread over several years
    - ii. PRPs may be willing to contribute funds (only if assured action will remain a fund-lead)
    - iii. ALDOT road and bridge upgrades as in-kind match
    - iv. If necessary, funds from city and PRPs can be passed through the State
5. How would assurance of fund-lead only that would shield PRPs from liability be obtained?
6. What would likely be defined as the endpoint of remediation and monitoring?
7. Following completion of remediation, when and how would the site likely be removed from the NPL?
8. If the above can be ADEM would concur in NPL listing and EPA would have a successful action on several levels.